

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

In re: Keurig Green Mountain Single-Serve
Coffee Antitrust Litigation

X

: Case No. 1:14-md-02542 (VSB) (SLC)
: MDL No. 2542
:
: Hon. Vernon S. Broderick
: Hon. Sarah L. Cave
:
: **DECLARATION OF**
: **SUSANNAH P. TORPEY**

This document concerns all related actions.

X

I, Susannah P. Torpey, declare as follows:

1. I am an attorney admitted to practice before the courts of the State of New York and a partner at Winston & Strawn LLP (“Winston”). I am one of the attorneys representing Plaintiffs TreeHouse Foods, Inc., Bay Valley Foods, LLC, and Sturm Foods, Inc. (collectively, “TreeHouse” or “Plaintiffs”) in the above-captioned matter. I make this declaration on personal knowledge and in support of the parties’ Spoliation Stipulation and Counterstatements. If called as a witness, I could and would competently testify to the matters stated herein.

2. Attached as Exhibit A is a true and correct copy of excerpts from the Deposition Transcript of Larry Blanford, dated February 11, 2020.

3. Attached as Exhibit B is a true and correct copy of an email and attachment between TreeHouse employees, dated November 15, 2013, and bearing the Bates numbers THS-004126314 through THS-004126315.

4. Attached as Exhibit C is a true and correct copy of an email and attachments between TreeHouse employees, dated December 18, 2013, and bearing the Bates numbers THS-003297454 through THS-003297458.

5. Attached as Exhibit D is a true and correct copy of emails between TreeHouse employees, dated January 29, 2014, and bearing the Bates numbers THS-000826591 through THS-000826592, and such document was marked as Defendant's Exhibit 22 to the Deposition of Keiran Kelly.

6. Attached as Exhibit E is a true and correct copy of TreeHouse Foods, Inc., Bay Valley Foods, LLC, and Sturm Foods Inc.'s Responses and Objections to Keurig Green Mountain, Inc.'s Amended Set of Requests of Admission Nos. 1362 Through 1401, dated December 11, 2020.

7. Attached as Exhibit F is a true and correct copy of emails between Kelli Lanski, counsel for TreeHouse, and Joseph Kay, counsel for Keurig, dated April 24 through May 13, 2020.

8. Attached as Exhibit G is a true and correct copy of ECF No. 57, Order No. 3 (Expedited Discovery), dated July 23, 2014.

9. Attached as Exhibit H is a true and correct copy of the Initial Disclosures of Defendant Keurig Green Mountain, Inc. Pursuant to Rule 26(a)(1), dated December 15, 2017.

10. Attached as Exhibit I is a true and correct copy of a tracking sheet of custodian information prepared by third party vendor D4, and such document was marked as Plaintiffs' Exhibit 1668 at the 30(b)(6) Deposition of Keurig by Kevin Campbell.

11. Attached as Exhibit J is a true and correct copy of the 30(b)(6) Deposition Transcript of Keurig by Kevin Campbell, dated February 26, 2020.

12. Attached as Exhibit K is a true and correct copy of emails, dated November 22, 2013, and bearing the Bates numbers GPCS-000360 through GPCS-000361.

13. Attached as Exhibit L is a true and correct copy of emails, dated November 22, 2013, and bearing the Bates numbers GPCS-011059 through GPCS-011061.

14. Attached as Exhibit M is a true and correct copy emails, dated November 22, 2013,

and bearing the Bates numbers GPCS-011062 through GPCS-011063.

15. Attached as Exhibit N is a true and correct copy of the Declaration of Andrew Gross, dated August 11, 2014, and such document was marked as Plaintiffs' Deposition Exhibit 1907 at the deposition of Andrew Gross.

16. Attached as Exhibit O is a true and correct copy of a letter from Mackenzie Baird, counsel for Keurig, dated May 23, 2017.

17. Attached as Exhibit P is a true and correct copy of a letter from Mackenzie Baird, counsel for Keurig, to Kelly Lanski, counsel for TreeHouse, dated February 18, 2019.

18. Attached as Exhibit Q is a true and correct copy of a letter from Matthew Pilsner, counsel for Keurig, to Plaintiffs' counsel, dated September 23, 2019.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: New York, New York
November 19, 2020

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